



CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

David B. Cohen
Mayor

Telephone
(617)-796-1120

TDD/TTY
(617) 796-1089

Telefax
(617) 796-1142

E-mail
mkruse@newtonma.gov

Public Hearing Date:	July 14, 2009
Land Use Action Date:	July 14, 2009
Board of Aldermen Action Date:	August 10, 2009
90-Day Expiration Date:	October 13, 2009

DATE: July 10, 2009

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development
Candace Havens, Chief Planner *SH*

SUBJECT: AMERADA HESS CORPORATION/DONALD F.LUNNY, JR. TRUSTEE OF LUNNY REAL ESTATE TRUST petition to AMEND special permit #232-07 by deleting in condition 9.d. the reference to the "bermed area at the edge of the curb extension planted with grass and pear trees..." which is not shown on the plan and not built as part of the already constructed curb extension approved in SPECIAL PERMIT/SITE PLAN APPROVAL and EXTENSION OF A NONCONFORMING USE, granted on 12/17/07, for the conversion of a full-service gasoline selling station to a self-service gasoline selling station and retail convenience store at 2370 COMMONWEALTH AVENUE, Ward 4, AUBURDALE, Sections 30-23 and 30-24 of the City of Newton Revised Zoning Ordinance, 2007.

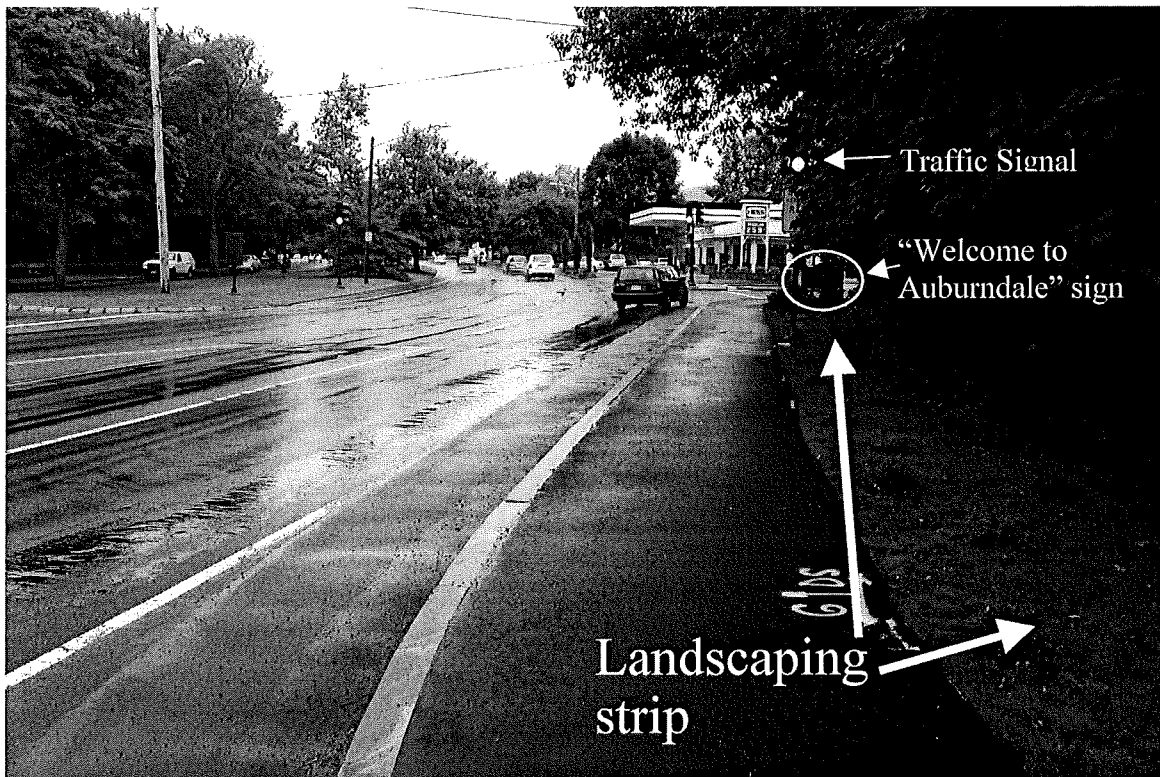
CC: Mayor David B. Cohen

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

In November 2007, the Board of Aldermen granted a special permit and site plan approval to convert an auto repair business to a convenience store at an existing nonconforming service station. The conversion of uses and upgrades to the building have taken place and the business has received a temporary certificate of occupancy to operate the use; a final certificate is pending completion of landscape improvements. As part of the prior approval, the petitioner agreed to numerous street improvements, all of which have been installed in cooperation with the Public Works Department. These improvements included installation of a raised crosswalk on Auburn Street and realignment of the curb at the intersection of Auburn Street and Commonwealth Avenue to slow traffic on both approaches. The board order for these approvals specifies "pear trees" and grass be planted in a berm between the realigned curb and sidewalk along Auburn Street. However, the street alignment that was approved and installed did not include such a planting strip (see picture of existing conditions, below). Furthermore, the Director of Urban Forestry has since concluded that pear trees would not fare well near the street where affected by road salt in the winter and, if relocated farther from the street, they may not have adequate space or sun to thrive. In addition, the pear trees could block visibility of the traffic signal and would require routine pruning. Since the petitioner has no obligation (under the approved special permit) to maintain landscaping in this area, a low-profile, low-maintenance landscape plan would seem to be a more fitting treatment and would be an attractive alternative and complement to the new "Welcome to Auburndale" sign near the corner of Auburn Street and Commonwealth Avenue.



I. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The subject property is located at the intersection of Auburn Street and Commonwealth Avenue at the entrance to Auburndale nearest Route 129/95 and the entrance to the MassPike in a Multi-Residence 2 District. The Boston Marriott Newton Hotel is located across Commonwealth Avenue to the northeast. The Auburndale Village Center is approximately six blocks farther east along Commonwealth Avenue.

B. Site

The landscaped area under consideration is City-owned land across Auburn Street from the Hess station and convenience store at 2370 Commonwealth Avenue that was the subject of Special Permit #232-07. As part of that petition, the curb lines were extended and traffic signal and stop line were relocated in order to calm traffic. Together, these changes cause drivers to slow or come to a full stop before turning right on Auburn Street off of Commonwealth Avenue. The land adjacent to this reconfigured curb line was not landscaped at the time of previous review (fall 2007) and previously-approved plans included similar low-profile plantings.

II. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes in use are proposed.

B. Building and Site Design

No changes to the subject property are proposed.

C. Parking and Circulation

The proposed changes will not alter parking or circulation. However, the replacement of pear trees with lower evergreen shrubs should ensure visibility of the traffic signal at all times and enhance safety at this intersection.

D. Landscape Screening, Lighting, and Signage

The proposed replacement landscaping features azaleas and rhododendrons, which should thrive in this partially-shaded location. Ground cover in the remaining area will provide an attractive low-maintenance treatment. The plant materials will be centered around a new "Welcome to Auburndale" sign and will create an attractive entrance to this gateway to Auburndale and the City of Newton. The plantings are a suitable and safe alternative to the previously-approved pear trees.

III. COMPREHENSIVE PLAN

The 2007 *Newton Comprehensive Plan* says notes the importance of preserving and enhancing the City's natural environment, which includes distinctive landscapes. While not a significant open space, it is nonetheless a gateway to the City that will be enhanced visually and enjoyed by those who pass by.

IV. ZONING RELIEFS SOUGHT

The petitioner is seeking to amend Special permit #232-07 pursuant to Sections 30-23 and 30-24 of the City of Newton Zoning Ordinance.

When taking action on this proposal, the Committee should consider whether the following findings apply:

- The specific site is an appropriate location for the planting of low-maintenance, low-profile shrubs and ground cover and a suitable replacement for three previously-approved pear trees.
- The planting of low-maintenance, low-profile shrubs and ground cover will allow good visibility for vehicles and pedestrians at this busy intersection.
- The proposed use is consistent with the 2007 *Newton Comprehensive Plan*, as it will enhance this gateway to the City with attractive vegetation around a "Welcome to Auburndale" sign.

Should the Committee wish to recommend approval of this proposal subject to making the appropriate findings, Planning Department staff recommends the following conditions:

1. The landscaping for the subject property shall be installed as shown on plans entitled "Off-site Improvements," Sheet SK-2, signed and stamped by registered architect Steven M. Pedro of Ayoub Engineering, 414 Benefit Street, Pawtucket, Rhode Island 02861, dated 6/02/09.
2. Paragraph 9.d. of Board Order #232-07 shall be amended to read:

"the installation of a curb extension/sidewalk, (the "curb extension") extending from the base of Oakland Avenue running easterly for a portion of Auburn Street as shown on the aforementioned plans. The purpose of the curb extension is to slow traffic turning right from Commonwealth Avenue onto Auburn Street by creating a more defined right-hand turn. The petitioner shall submit for review and approval of the Director of Planning and Development landscape plans that show the bermed area at the edge of the curb extension planted with grass and pear trees, and the area between the sidewalk and the adjacent slope of the curb extension planted with ground cover and low shrubs. The petitioner shall have no obligation to maintain the aforesaid landscaping. In addition, the petitioner shall install a "Welcome to Auburndale" sign in the area bordered by the curb extension to be approved by the Director of Planning and Development.

VICINITY MAP

